

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1090-MSW-E TCEQ ID: RN104949839 CASE NO.: 33901

RESPONDENT NAME: CONSOLIDATED CONSTRUCTION RECYCLING SERVICES, LTD

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 1629 Parker Road, Carrollton, Denton County</p> <p>TYPE OF OPERATION: Construction recycling service facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 9, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p>TCEQ Enforcement Coordinator: Mr. Ross Fife, Waste Enforcement Section, MC 128, (512) 239-2541</p> <p>TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903</p> <p>Respondent: Mr. Jason R. Chavez, Manager, CCRS-Consolidated Construction Recycling Services, Ltd., c/o Brown McCarroll, LLP, 2001 Ross Avenue, Suite 2000, Dallas, TX 75201</p> <p>Respondent's Attorney: Mr. Danny D. Worrell, Attorney at Law, Brown McCarroll L.L.P., 111 Congress Ave., Ste. 1400, Austin, Texas 78701-4043</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: December 29, 2006; January 18 and September 20, 2007</p> <p>Date of NOE Relating to this Case: January 29, 2007</p> <p>Background Facts: The EDPRP was filed on November 30, 2007. The Respondent signed an Agreed Order on April 7, 2008.</p> <p>Current Compliance Status: Respondent's attorney indicates that his client is operating well below permitted limits, and will submit compliance documentation within 30 days of the proposed Agreed Order becoming effective.</p> <p>MSW:</p> <p>Failed to prevent the unauthorized disposal of unprocessed construction and demolition debris including lumber pallets, wood scraps, and other material at an unauthorized facility [30 TEX. ADMIN. CODE § 330.15(c)].</p>	<p>Total Assessed: \$10,500</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$780/\$9,720</p> <p>The Respondent has paid \$780 of the administrative penalty. The remaining amount of \$9,720 of the administrative penalty shall be payable in 24 monthly payments of \$405 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Environmental receptors have been exposed to pollutants which exceed levels that are protective.</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <p>a. Certify that all unauthorized waste from the site has been disposed of at an authorized facility; and</p> <p>b. Submit written certification to demonstrate compliance.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision March 19, 2007

DATES	Assigned	1-Oct-2007	Screening	10-Oct-2007	EPA Due	
	PCW	31-Oct-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Consolidated Construction Recycling Services, Ltd.
Reg. Ent. Ref. No.	RN104949839
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	33901	No. of Violations	1
Docket No.	2007-1090-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Ross Fife
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$500
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Notes: Enhancement for one NOV with the same or similar violations at this site within the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$6,145	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$95,437	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$10,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,500
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders

PAYABLE PENALTY	\$10,500
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Screening Date 10-Oct-2007

Docket No. 2007-1090-MSW-E

PCW

Respondent Consolidated Construction Recycling Services, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33901

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104949839

Media [Statute] Municipal Solid Waste

Enf. Coordinator Ross Fife

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with the same or similar violations at this site within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 10-Oct-2007

Docket No. 2007-1090-MSW-E

PCW

Respondent Consolidated Construction Recycling Services, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33901

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104949839

Media [Statute] Municipal Solid Waste

Enf. Coordinator Ross Fife

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 330.15(c)

Violation Description

Failed to prevent the unauthorized disposal of unprocessed construction and demolition debris including lumber pallets, wood scraps, and other material at an unauthorized facility, as documented during an investigation on December 29, 2006 and a record review conducted on September 20, 2007. Specifically, the Respondent failed to dispose of approximately 15,000 cubic yards of municipal solid waste at an authorized facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

20 Number of violation days

mark only one
with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One monthly event is recommended from the September 20, 2007 investigation date to the October 10, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,145

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent Consolidated Construction Recycling Services, Ltd.
Case ID No. 33901
Reg. Ent. Reference No. RN104949839
Media Municipal Solid Waste
Violation No. 1.

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$95,437	29-Dec-2006	12-Apr-2008	1.3	\$6,145	n/a	\$6,145
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to dispose of approximately 15,000 cubic yards of unprocessed waste at an authorized facility. The Date Required is the date of the first investigation and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$95,437

TOTAL

\$6,145

Compliance History Report

Customer/Respondent/Owner-Operator: CN603027814 Consolidated Construction Recycling Services, Ltd. Classification: AVERAGE Rating: 18.04

Regulated Entity: RN104949839 CONSOLIDATED CONSTRUCTION RECYCLING SERVICES Classification: AVERAGE Site Rating: 6.67

ID Number(s): MUNICIPAL SOLID WASTE PROCESSING REGISTRATION 100135

Location: 1629 PARKER RD, CARROLLTON, TX, 75010 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 16, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 30, 2002 to October 30, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Ross Fife Phone: (512) 239-2541

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/17/2006 (463610)

N/A

2 01/25/2007 (537149)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/14/2006 (463610)

N/A

Self NO Classification: Major
 Citation: 30 TAC Chapter 328, SubChapter A 328.4(b)(2)
 Description: Failure to demonstrate that 25% of recyclable material (wood) on-hand after 90 days of operation had been recycled or transferred by 270 days of operation.

Self NO Classification: Major
 Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)
 Description: Unauthorized disposal of municipal solid waste.

Self NO Classification: Major
 Citation: 30 TAC Chapter 328, SubChapter A 328.5(d)
 30 TAC Chapter 37, SubChapter B 37.121
 30 TAC Chapter 37, SubChapter B 37.141
 Description: Failure to maintain current, accurate Financial Assurance for recycling facility.

Self NO Classification: Major

Citation: 30 TAC Chapter 328, SubChapter A 328.5(h)

Description: Failure to maintain current and accurate site Fire Prevention/Suppression Plan.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING CONSOLIDATED
CONSTRUCTION RECYCLING
SERVICES, LTD;
RN104949839**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1090-MSW-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Consolidated Construction Recycling Services, Ltd. ("CCRS") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and CCRS, represented by Danny G. Worrell and Mónica A. Jiménez of the law firm of Brown McCarroll L.L.P., presented this agreement to the Commission.

CCRS understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, CCRS agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon CCRS.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. CCRS operates a construction recycling service facility located at 1629 Parker Rd., Carrollton, Denton County, Texas (the "Facility").

2. The Facility involves the management and the disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. During a visual survey of the Facility conducted on December 29, 2006 and a file review conducted on January 18, 2007 by a TCEQ DFW Regional Office investigator and during a data maintenance file review conducted on September 20, 2007 by an Austin enforcement coordinator, it was documented that CCRS failed to prevent the disposal of unprocessed construction and demolition debris including lumber pallets, wood scraps, and other material at an unauthorized facility. Specifically, CCRS failed to dispose of approximately 15,000 cubic yards of municipal solid waste at an authorized facility.
4. CCRS received notice of the violation on February 3, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, CCRS is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, CCRS failed to prevent the unauthorized disposal of unprocessed construction and demolition debris including lumber pallets, wood scraps, and other material at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 330.15(c).
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against CCRS for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of ten thousand five hundred dollars (\$10,500.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. CCRS has paid seven hundred eighty dollars (\$780.00) of the administrative penalty. The remaining amount of nine thousand seven hundred twenty dollars (\$9,720.00) of the administrative penalty shall be payable in twenty-four monthly payments of four hundred five dollars (\$405.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. CCRS is assessed an administrative penalty in the amount of ten thousand five hundred dollars (\$10,500.00) as set forth in Conclusion of Law No. 4 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and CCRS' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Consolidated Construction Recycling Services, Ltd.; Docket No. 2007-1090-MSW-E; Enforcement ID No. 33901" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Within 30 days after the effective date of this Agreed Order, CCRS shall certify that all unauthorized waste from the site has been disposed of at an authorized facility.
3. CCRS shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Samuel Barrett, Waste Section Manager
Texas Commission on Environmental Quality
Dallas/Fort Worth Regional Office
2309 Gravel Dr.
Fort Worth, Texas 76118-6951

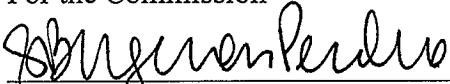
4. The provisions of this Agreed Order shall apply to and be binding upon CCRS. CCRS is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If CCRS fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, CCRS' failure to comply is not a violation of this Agreed Order. CCRS has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. CCRS shall notify the Executive Director within seven days after CCRS becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by CCRS shall be made in writing to the Executive Director. Extensions are not effective until CCRS receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to CCRS if the Executive Director determines that CCRS has not complied with one or more of the terms or conditions in this Agreed Order.

8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against CCRS in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to CCRS, or three days after the date on which the Commission mails notice of the Order to CCRS, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/27/08

Date

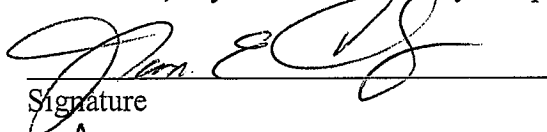
I, the undersigned, have read and understand the attached Agreed Order in the matter of Consolidated Construction Recycling Services, Ltd. I represent that I am authorized to agree to the attached Agreed Order on behalf of Consolidated Construction Recycling Services, Ltd., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Consolidated Construction Recycling Services, Ltd. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

JASON R CHAVEZ

Name (printed or typed)

Authorized Representative of
Consolidated Construction Recycling
Services, Ltd.

4.7.08

Date

Manager

Title